

in the galleries, and one cannot, even by unanimous consent, change that rule, and the Chair is not even to entertain a unanimous-consent request that the rule be waived.

I hope Senators will abide by the rules regardless of what side of the question they are on.

Mr. SANTORUM. If the Senator will yield, I apologize for making such an error, and I appreciate the Senator pointing that out.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much. I understand I have 8 minutes remaining, or a little less than that?

The PRESIDING OFFICER. Approximately 7 minutes remaining.

Mrs. BOXER. Mr. President, I ask I be yielded 4 minutes of that time. At that time, I am going to turn to another Senator to close our debate.

Mr. President, I ask unanimous consent to set aside the pending veto message and proceed immediately to a bill that allows this procedure only in cases where the mother's life is at stake or she would suffer serious adverse health consequences without this procedure.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. Reserving the right to object.

Mrs. BOXER. Mr. President, I ask for regular order and just ask if there is objection this time.

The PRESIDING OFFICER. Regular order, the Senator must object.

Mr. SANTORUM. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, the reason I asserted my parliamentary rights is because time is a wasting.

I would like to ask Senators to do me one favor as a colleague, and that favor is this: to simply visualize yourself in a circumstance where a person who you love maybe more than anyone else in the world, comes to you—it could be your wife, it could be your daughter, it could be a niece, it could be a grandchild, a granddaughter—and that woman who has been flushed with the thrill of a pregnancy, who was waiting with great anticipation with her family for the most blessed event any woman can have, and God has blessed me with two such events, and that loving woman looks in your eyes and says, "Daddy," or "Brother," or "Mother, I have horrible news. I've been told by my doctor that there's a horrible turn of events that has happened in this pregnancy that we could not learn until the very late stages. And if I don't have this procedure"—the one that is outlawed in this bill, may I say—"my doctor says I might die or I might never be able to have another baby or I might be paralyzed for life. What should I do? Will you support me?"

I really think, if we are totally honest, as the distinguished Democratic

leader has tried to put forward in his eloquence, I think every one of us would reach inside, and that love would overwhelm us and we would save that child, that wife, that granddaughter, and we would face this together with her doctor and our God, and we would not call a U.S. Senator, no matter how dignified, no matter how intelligent, no matter how popular at the moment, into that room. We would want to decide it with our family.

I beg my colleagues, I know this is such a difficult vote, but I believe in my heart when the American people understand that we have offered to ban this procedure but for life and serious health consequences and we were turned down by the other side, they will understand that not one of us is for a late-term abortion of a healthy pregnancy. Who could be? No one could be.

What we are talking about is preserving this procedure for cases like Viki Wilson and Vikki Stella and the women who have the courage to come forward and tell us their stories. I urge my colleagues, please, sustain the President's veto. I yield the balance of my time to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes, 40 seconds.

Mr. BYRD. I thank the Chair, and I thank the distinguished Senator from California.

This is a very, very difficult question. I have been greatly troubled by it, as I am sure other Senators have been. Napoleon—who is not particularly one of my idols—and Josephine had a child on March 20, 1811. And when he was told by the doctors that the infant or the mother might have to be sacrificed, he revealed all the warmth of the human instincts and the instincts of family when he answered, "Save the mother."

Mr. President, as a father and as a grandfather, I would never want to be cast into that excruciating position. But if I were, I would answer as did Napoleon: "Save the mother."

Mr. COATS. Would the Senator yield at this time his time remaining?

Mrs. BOXER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator from California has 34 seconds remaining. That is the extent of all further debate.

Mr. COATS. May I ask the Senator from California if she would yield me—give me a chance to just make a 10-second response to the Senator from West Virginia?

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield back all the time. We have debated this. I think it is time to vote. I ask that we go to the regular business and vote at this time.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill pass, the objections of

the President of the United States to the contrary notwithstanding? The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Maine [Mr. COHEN] is necessarily absent.

I also announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—57

Abraham	Ford	Mack
Ashcroft	Frahm	McCain
Bennett	Frist	McConnell
Biden	Gorton	Moynihan
Bond	Gramm	Murkowski
Breaux	Grams	Nickles
Brown	Grassley	Nunn
Burns	Gregg	Pressler
Coats	Hatch	Reid
Cochran	Hatfield	Roth
Conrad	Hefflin	Santorum
Coverdell	Helms	Shelby
Craig	Hutchison	Smith
D'Amato	Inhofe	Specter
DeWine	Johnston	Stevens
Domenici	Kempthorne	Thomas
Dorgan	Kyl	Thompson
Exon	Leahy	Thurmond
Faircloth	Lugar	Warner

NAYS—41

Akaka	Graham	Mikulski
Baucus	Harkin	Moseley-Braun
Bingaman	Hollings	Murray
Boxer	Inouye	Pell
Bradley	Jeffords	Pryor
Bryan	Kassebaum	Robb
Bumpers	Kennedy	Rockefeller
Byrd	Kerrey	Sarbanes
Chafee	Kerry	Simon
Daschle	Kohl	Simpson
Dodd	Lautenberg	Snowe
Feingold	Levin	Wellstone
Feinstein	Lieberman	Wyden
Glenn	Lott	

NOT VOTING—2

Campbell Cohen

The PRESIDING OFFICER. The Chair would like to remind the visitors in gallery that demonstrations of approval or disapproval are prohibited under Senate rules and I ask the Sergeant at Arms to assist in maintaining order in the gallery. We appreciate your cooperation.

On this vote the ayes are 57, the nays are 41.

Two-thirds of the Senators present and voting not having voted in the affirmative, the bill, on reconsideration, fails of passage.

Mr. LOTT. Mr. President, I previously voted "aye." I changed my vote to "no." I now enter a motion to reconsider the vote by which the veto message was sustained.

The PRESIDING OFFICER. The motion has been received.

Mr. GRASSLEY. Mr. President, this is a matter of such great importance that we will raise it again and again for votes until we prevail. In fact, we may even bring it up again for a vote this year.

MORNING BUSINESS

Mr. LOTT. Mr. President, I now ask that there be a period for the transaction of routine morning business

with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. LOTT. In the meantime, for the information of all Senators—and Senator DASCHLE is here—we will be talking about the schedule for the balance of the evening. We believe we are ready to move forward on the NIH reauthorization bill. We are still working to see if we can get an agreement on the pipeline safety bill which, although it is completed, still has the gag rule issue pending to be resolved. I understood they were making some progress, and now I understand that maybe they are not.

During the next few minutes, while we are having 5-minute speeches, we will work on this and make that information available to all Senators.

I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I ask unanimous consent to proceed for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Will the Senator yield briefly?

Mr. BROWN. I am happy to.

Mr. BYRD. Mr. President, the Senate is still not in order. There are entirely too many conversations going on in the back of the Chamber.

The PRESIDING OFFICER. The Senator's observations are entirely correct. Will the Senators to the Chair's right please take their conversations to the Cloakroom? The Senator from Alaska, the Senator from Arkansas.

I thank the Senator from West Virginia.

The Senator from Colorado is recognized.

EMERGENCY FUNDING FOR FISCAL YEAR 1996 AND FISCAL YEAR 1997

Mr. BROWN. Thank you, Mr. President. I thank the distinguished Senator from West Virginia for his courtesy for allowing me to be heard.

Mr. President, I want to draw Members' attention to the President's emergency funding request. Not so long ago the President sent up to Congress a communication requesting \$1.1 billion in emergency funding for fiscal years 1996 and 1997. Members will find it in their offices. The communication of the President is dated September 17, 1996. Mr. President, I ask Members to review that communication because I have some concerns with it.

Mr. President, it is my hope that Members will give these requests some careful review. All of us are concerned about terrorism, but I hope in exhibiting our concern that we will also recognize that we have an obligation to the taxpayers when considering these requests.

I draw Members' attention to the fact that the President's original re-

quest in March of this year—not so long ago—was for exactly \$27.9 million. That is increased 4,000 percent, in a few months, in this request. Obviously, terrorism is a matter that deserves careful and full scrutiny and strong action on the part of the Federal Government. But I would suggest to Members also that a 4000-percent increase in the request for funding also deserves our attention.

Mr. President, let me give some specific examples. In this enormous request under the banner of "emergency," only 6 months after the original request, I think some questions need and should be asked. We looked through these requests and I hope Members will study them. We found huge increases in spending spread throughout the Federal Government.

For example, the request includes an additional \$34,000 for additional facilities for security expenses at the Office of the Inspector General under the Department of the Treasury. When we inquired or looked in the report for how this \$34,000 was to be spent, the report indicates, and I quote, "No further details provided."

So we ended up calling the Office of the Inspector General. We talked specifically to the budget officer who ends up coordinating these matters. Here is what he said and I'll quote this because I think it is imperative that his exact words be included in the RECORD. He said, "This is the first I have heard of any emergency supplemental funding." Now, this is the officer who controls the budget for that office. He said, "This is the first I have heard of any emergency supplemental funding. I am not aware of any request for extra funding. I do not know what we need it for."

The OMB publication didn't spell out what it was for, and their budget director does not even know what it was for.

From the Bureau of Public Debt at the Department of the Treasury, we received a request of \$161,000 "for additional facilities security operating expenses." Once again, no further details were provided in the report. We called the Bureau of Public Debt and asked them what this request would be used for. We simply wanted a justification and some simple facts. The budget officer was unaware of the emergency supplemental request. This is what the budget officer said, "I'll be real honest with you. This is the first I've heard of it. We have not made a request for supplemental funding."

Now, this is an emergency funding request and the budget officer tells us that he has not even heard of it?

Mr. President, the dilemma goes on.

For the Federal Aviation Administration there is a \$15.5-million request to acquire and install dual energy automated x-ray systems and quadruple resonance devices for screening checked baggage at U.S. airports. According to the FAA, these x-ray systems and resonance devices, and I quote, "have not been certified by the

FAA as meeting the U.S. national performance standards for explosives detection systems." We called the Financial Review Division at the FAA. We asked the manager of this division at the FAA why they needed emergency funding for x-ray systems and resonance devices that do not meet the U.S. performance standards and have not been FAA certified. Let me repeat that.

The request is for machines that do not meet the U.S. performance standards. These machines are not FAA certified. Here is what the manager said, "I don't know why we are asking for safety equipment that is not FAA certified."

Mr. President, the list goes on.

Mr. President, we have a responsibility to take care of the important business of the public, and we ought to fund serious antiterrorist efforts. But "I don't know" is not a good enough answer. The American citizen deserves more. It is irresponsible for the President to ask for money when they do not even know how they would spend it. It is even more irresponsible for this Congress to appropriate it.

My hope is that we give close attention to these requested matters and that we not fund matters where they have no clear idea how they are going to spend it, and that we take out of the emergency supplemental areas any clear waste out of areas where we, and they, simply don't have any idea where it will be spent.

Last, Mr. President, if you were going to identify an area of abuse in spending over the past years, it would surely be in the area where we come up with an emergency supplemental where it does not receive the full review and investigation of the Appropriations Committee.

I hope this Congress will not be derelict in its duty. I hope we will not write a blank check from the Public Treasury. Our responsibility and obligation to the American people is not to write blank checks for requests we know nothing about. Mr. President, I hope this Senate will act to make sure these "I don't know" requests from the President are denied.

Mr. President, I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I thank my colleague from Colorado. The Senate will surely miss his wise counsel. I rise to express similar concerns.

Mr. President, recent, tragic events have raised the fight against terrorism higher in the public consciousness. In response, President Clinton has submitted a request for \$1.1 billion in emergency antiterrorism funding for fiscal year 1996 and fiscal year 1997.

While it is imperative that we act in a timely way to fight terrorism and to preserve the safety of our citizens, it is also important that we not simply throw money at a problem for efforts that do little more than make us feel a little better for a little while.